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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 14

Application Number: 09/323,605  
Filing Date: June 01, 1999  
Appellant(s): SUNDARESAN

George S. Gates  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed with a certificate  
of mailing dated February 21, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of the invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct. The phrases should be read as:

Whether claims 1, 3, 6-11, 13, 16-21, 23, and 26-30 are unpatentable under 35 USC 103(a) over Fernandes in view of Bull et al., and further in view of Sonnenreich et al.

Whether claims 2, 12, and 22 are unpatentable under 35 USC 103(a) over Fernandes in view of Bull et al., in view of Sonnenreich et al., and further in view of Hodges et al.'s book on multimedia computing.

***(7) Grouping of Claims***

Appellant's brief includes a statement that the claims do not stand or fall together and provides reasons as set forth in 37 CFR 1.192©(7) and © (8).

***(8) Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

***(9) Prior Art of Record***

"Business have a chat"	Fernandes	6-1997
US Pat. 5,901,287	Bull et al.	5-1999
US Pat. 5,974,446	Sonnenreich et al.	10-1999
Multimedia computing...	Hodges et al.	1993

***(10) Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3, 6-11, 13, 16-21, 23, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandes, in view of Bull et al., in view of Sonnenreich et al.

Claims 2, 12, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandes, in view of Bull et al., in view of Sonnenreich et al., and further in view of Hodges et al.'s book on multimedia computing, 1993.

**Claim Rejections 35 U.S.C. 103(a)**

***The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:***

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 3, 6-11, 13, 16-21, 23, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandes, in view of Bull et al. (US Pat. 5,901,287), in view of Sonnenreich et al. (US Pat. 5,974,446).

A. Re. To claim 1: Fernandes suggests a method for providing "co-browsing" to users, comprising:

- a) providing a network site offering items for sale  
(e.g., Fernandes obviously suggests this feature);

- b) monitoring browsing patterns of a 1<sup>st</sup> user and of a 2<sup>nd</sup> user on said site (e.g., Fernandes obviously suggests monitoring browsing patterns); or Bull et al., also teach about monitoring user's browsing activity and analyzes their interests, and analyzing Browsing patterns of the user and updating these profiles automatically. common users' profile and browsing patterns (of interest) are recorded);
- c) identifying a common browsing pattern of said users (i.e., Bull et al., also teaches "Browsing patterns of the user are analyzed and these patterns update profiles automatically.");
- d) informing said users of said common browsing pattern (i.e., Bull et al., teach that "Browsing patterns of the user are analyzed and these patterns update profiles automatically");
- e) providing to a user a capability for communication (see Sonnenreich 5:52-59; and Bull, claims 1, 11, 28-29);
- f) providing to another user a capability for communication (see Sonnenreich 5:52-59; and Bull, claims 1, 11, 28-29); and
- g) providing a capability for communication between said users while they continue to surfing (e.g. see Fernandes "...allows intranet users to communicate in

real time-like talking on a telephone, but using a keyboard to produce messages. The program also allows for simultaneous browsing ... while having a conversation"; or Sonnenreich et al. disclose: "Internet based distance learning system for communicating between server and clients wherein clients communicate with each other or with teacher using different communication technique via common user interface"; Sonnenreich et al. disclose in claim 19, and 13:50 - 14:2 that ...list of all the users who have selected the same topic as of interest and who are currently on-line, ... tuned to a topic-specific web page..., means is provided at the server for identifying the user's personal identification and information in the database... communicating such data from the server in the appropriate user-selected communication mode over the Internet to the user screens, observable by all said users. And in claims 28-29, Sonnenreich et al. claim about different communication modes include e-mail, real time chatting, web page browsing.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement published ideas of Bull et al., and Sonnenreich et al. in a method suggested by Fernandes, to perform recognized necessary claimed steps for "co-browsing", because they apply

simultaneously collaborative browsing techniques (originating from a chat-room format) for controls and managements of users' simultaneous communication on the Internet.

B. Re. To claim 3: The combination of Fernandes, Bull et al., Sonnenreich et al. suggest a method as in claim 1.

Fernandes, Bull et al., and Sonnenreich et al. do not expressly disclose about a proxy server, wherein a capability for communication comprises a means for protecting identity of users.

However, the examiner submits that many uses of proxy servers in computer field have been applied; because a proxy server merely a firewall component that manages Internet traffic to and from a LAN and can provide access control. A proxy server has been used to improve performance by supplying frequently requested data, such as a popular Web page, and has been filter and discard requests that the owner does not consider appropriate, such as requests for unauthorized access to proprietary files in that way, it contributes to protecting users' identities (e.g., see also Herz, US Pat. 6,029,195) or see also Subramaniam et al. (US Pat. 6,081,900)).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement a proxy server in a method suggested from a combination of Fernandes, Bull et al., and Sonnenreich et al. because artisan in computer



fields would appreciate the use of an available proxy server as a means to protect private information of users.

C. Re. To claims 13, and 23: They contain similar features as claim 3 although an apparatus or an article of manufacture (i.e., a computer floppy disk) is claimed; therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

D. Re. To claim 6: The combination of Fernandes, Bull et al., Sonnenreich et al. suggest a method as in claim 1.

Bull et al., and Sonnenreich et al. suggest about providing 1<sup>st</sup> user with capability to inform (a subject matter of interest to a user) (see Sonnenreich 5:52-59; and Bull, claims 1, 11, 28-29). The examiner also submits that the rationale for rejection of this claim already provided in claim 1, part e), which were disclosed by a combination of Fernandes, Bull et al., and Sonnenreich et al.

E. Re. To claims 16, and 26: They contain similar features as claim 6 although an apparatus or an article of manufacture (i.e., a computer floppy disk) is claimed; therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

F. Re. To claims 7, 8: The combination of Fernandes, Bull et al., Sonnenreich et al. suggest a method as in claim 1.

Bull et al., suggest about notifying/providing a user of characteristics/information (i.e., a common

topic/interest) to another user. The examiner submits that the rationale for rejection of this claim already provided in claim 1, parts c) and d), (i.e., identifying a browsing patterns, updating profiles automatically, and informing said users of said common browsing pattern (i.e., Bull et al., US Pat. 5,901,287 teaches "Browsing patterns of the user are analyzed and these patterns update profiles automatically"). It would be obvious for one with ordinary skill in the art to "provide" such features using available functions of a database for sorting, comparing, and selecting data in the cited references of Fernandes, Bull et al., and Sonnenreich et al.

G. Re. To claims 17-18, and 27-28: They contain similar features as claim 8 although an apparatus or an article of manufacture (i.e., a computer floppy disk) is claimed; therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

H. Re. To claim 9: The combination of Fernandes, Bull et al., Sonnenreich et al. suggest a method as in claim 7.

Bull et al., also suggest that "characteristics" include subject matter of interest/common searching pattern/common interest. The examiner submits that from the rationale for rejection of provided in claim 1, part c) i.e., a characteristic could be a common browsing pattern of users (see, Bull et al., for a suggestion of "Browsing patterns of the user are analyzed and these patterns update

profiles automatically"). It would be obvious for one with ordinary skill in the Internet art to "provide" such information for selections merely by sorting, selecting data in a database applying in references of Fernandes, Bull et al., and Sonnenreich et al.

I. Re. To claims 19, and 29: They contain similar features as claim 9 although an apparatus or an article of manufacture (i.e., a computer floppy disk) is claimed; therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

J. Re. To claim 10: Fernandes, Bull et al., and Sonnenreich et al. suggest a capability to inform conditions required for co-browsing. The examiner submits that including extra information of user's computer capabilities or conditions required for co-browsing are obvious within the knowledge of one with ordinary skill in the art; e.g., requirements of computer type Windows 3.1 or Windows 2000, minimum required available memory of 512 Kbytes .etc. (Please note that a claimed phrase of "condition required for co-browsing" could be merely a common subject that a user entered to his Internet- computer).

K. Re. To claims 20, and 30: They contain similar features as claim 10 although an apparatus or an article of manufacture (i.e., a computer floppy disk) is claimed; therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

II. Claims 2, 12, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandes, in view of Bull et al. (US Pat. 5,901,287), in view of Sonnenreich et al. (US Pat. 5,974,446), and further in view of Hodges et al.'s book on multimedia computing, 1993.

A. Re. To claim 2: The combination of Fernandes, Bull et al., Sonnenreich et al. suggest a method as in claim 1.

They are silent about providing an interface with a computer site, wherein that interface/window comprises different panes/windows.

However, the examiner submits that Hodges et al., pp.166-167 analogously disclose a collaborative browsing case (on the Internet) by using an example wherein voice, video, shared graphics, and data were used simultaneously in different windows/panes, i.e., see pp.166-167, Figs. 2.2 and 2.4.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement published ideas of Hodges et al., in a method suggested by Fernandes, Bull et al., and Sonnenreich et al. to perform a collaborative browsing session, because it has been a later version of a computer chatting session wherein additional features for browsing the Internet have been applied.

B. Re. To claims 12, and 22: They contain similar features as claim 2 although an apparatus or an article of manufacture (i.e., a computer floppy disk) is claimed;

therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

III. The claimed limitations belong to a known concept in browsing/surfing (see also Hodges et al.'s book on multimedia computing, pp.166-167; these authors clearly disclosed a collaborative browsing (on the Internet) case by using an example wherein voice, video, and shared graphics and data were used simultaneously, i.e., see pp.166-167), identifying and selection of users with a common browsing pattern are inherently applied in these cited references.

IV. The examiner submits that cited prior art limitations are not necessary spelled-out exactly claimed languages, because cited prior art is also directed to a similar application as what the applicant did. The cited references are not limited to described embodiments in their disclosures. It is reasonable that analogous modifications of the cited prior art would be apparent to those skilled in the art without departing from the scope and spirit of their disclosures. Although these disclosures have been described in connection with specific preferred embodiments, it should be understood that their intentions should not be limited to such specific embodiments.

V. Note: These following US Pats. were cited in previous Office Actions because of a similarity of subject matter but not being relied on to reject pending claims:

A. Anupam et al. (US Pat. 6,811,989) 3:6-39 disclose about helping a user to establish an interactive collaborative browsing session., and a would-be collaborator must identify the user by his/her user ID who created the session in order to join it. In 4:10-31, Fig.1, Anupam et al. disclose that manager 104 queries U-N as to whether the second user wants to join a private session or public session of a URL. 4B.

B. Kirk et al. (US Pat. 6,175,842), 3:37-39, and 4:60 - 5:10 disclose about providing individuals with some indication of common interest, facilitating group communication among like-minded individuals; and enabling communication and collaboration with other browsing users. Their invention brings together a group of users who are browsing the same file or site by allowing them to communicate and associate with each other in a room corresponding to that file or site. Users share the browsing experience with each other.

***(10) Response to Argument***

A. The Appellant argues in the Appeal Brief that Bull does not teach identifying common browsing patterns of a first and a second user (see page 5, 2<sup>nd</sup> para.). The examiner disagrees because although Bull does not expressly use the word "identify", Bull et al. suggest of analyzing user browsing patterns, storing these patterns, and later retrieve similar patterns after simply comparing/sorting them as artisan would do for other Internet's database (see

Sonnenreich, 5:52-59). Therefore, Bull et al., teach these similar patterns of computer users, because when doing this, Bull et al. obviously suggest an inherent action of "identifying".

B. It is considered that sufficient evidences for the claimed concept were provided for the claimed subject matter; i.e., "Fernandes discusses a program that allows for simultaneous browsing on different WWW sites while having a conversation" as admitted by the applicant on paper # 6; again on page 9 at the end of 3<sup>rd</sup> para. of paper # 8, the applicant admits: "Fernandes ... toward developing an ability to share and collaborate on documents in the context of a meeting environment". The applicant argues that "Fernandes lacks any discussion about application of co-browsing to users shopping over a computer network, or about coordinating and combining the co-browsing with the experience of shopping at a network site. Fernandes makes no mention or suggestion of a shopping environment". This claimed feature of "shopping environment" is not patentable since that particular field of intended use (a shopping environment) is applicable in Fernandes' suggestion (i.e., Fernandes discloses that "browsing on different World-Wide-Web sites" already applicable to a computer site or a shopping site). Therefore, the examiner submits that Fernandes makes suggestion for using "co-browsing" in any applicable environment including a shopping environment.

C. Fernandes does not expressly teach "providing the users with a window comprising a first pane, and a second pane with communication content between users"; however, the examiner submits that this limitation has been widely used in computer applications for various purposes, and "panes" are reasonably interpreted as different display windows. That has been a capability of MS Windows environment (and Hodges et al. suggested this in Figs. 2.2 and 2.4 of their book) that Fernandes need not to expressly disclose "pane" in his article (i.e., cascading technique wherein in newsgroup articles, the accumulation of quotation marks (often angle brackets) added by newsgroup readers each time an article is replied to. Most newsgroup readers will copy the original article in the body of the reply; after several replies, the original material will have several quotation marks); (see also Hodges et al.'s book on multimedia computing, pp.166-167; these authors clearly disclose a collaborative browsing case (on the Internet) by using an example wherein voice, video, and shared graphics and data were used simultaneously, i.e., see pp.166-167).

D. It is reasonable that analogous modifications of prior art would be apparent to those skilled in the art at the time of invention without departing from the scope and spirit of these references. Although cited references may have been described in connection with specific preferred embodiments, it should be understood that their limitations



as disclosed should not be limited to such specific embodiments.

E.Note: Claim limitations of 1(c) and 1(d) were also suggested by Sonnenreich et al. (US Pat. 5,974,446), 5:52-60 wherein they provide a novel technique that organize access by users, and central server with common screen "buttons" to readily identify similar interest users on a single screen display. In 5:61-6:5, Sonnenreich et al. disclose that accessing networking of similar interest...facilities sharing over the Internet; and in 6:33-42, Sonnenreich et al. disclose that providing each user computer station with software that generates a common type screen at each station containing selectable "buttons" for personal user identification, and in 7:31-46 and in 8:45-64 Sonnenreich et al. disclose using various common interest subjects, topics, e-mail and other addresses for co-browsing.

In 8:45-64, Sonnenreich et al. disclose about enabling each user of the common topic interest group selectively to activate the different primary types of communication modes including e-mail, multi-media presentations, real-time communication ..., and every user can automatically observe every other users communications by their respective selected communication mode.

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Art Unit: 3625

For the above reasons, it is believed that the  
rejections should be sustained.

Respectfully submitted,

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